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Convention on the Elimination of All Forms of Discrimination against Women

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Responses to the list of issues and questions with regard to the consideration of the initial report

Cook Islands*

* The present document is being issued without formal editing.

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General

1. **Please provide additional information on the process of preparing the initial report. This information should indicate which Government departments were involved and the nature and extent of their participation and whether consultations were held with women's groups and the Aronga Mana.**

The process of preparing the initial report was as follows:

(a) Gender and Development Advisory Group

A Gender and Development Advisory Group (GADAG) was established by the Ministry of Internal Affairs in 2000 to provide policy guidance and to monitor implementation of gender responsive projects including work towards producing the Cook Islands report to the Committee on the Elimination of Discrimination against Women. This group met on a quarterly basis and it comprised of representatives from:

- Women's Division, Ministry of Internal Affairs;
- Office of the Minister for Outer Islands Administration;
- Aid Management Division of the Ministry of Finance and Economic Management;
- New Zealand High Commission to the Cook Islands (who provided the funds for the preparation of the Report);
- Cook Islands National Council of Women; and
- Punanga Tauturu Inc. a women's NGO.

(b) Consultation

Consultation with selected Government Ministries and Agencies began in 2000-2002 and involved the Gender Advisor from the Women's Division who was appointed Secretariat for this Committee personally visiting the Ministries listed below. The key Government Ministries/Agencies involved were:

- Ministry of Education
- Ministry of Health
- Ministry of Justice
- Ministry of Foreign Affairs & Immigration
- Ministry of Internal Affairs & Social Services
- Ministry of Outer Island Affairs
- Crown Law Office
- Police Department
- Statistics Division

The purpose of the visits was to collect information for the Report and to identify areas where there were gaps in the implementation including the consideration of strategies for the way forward and any related service delivery.

Non-governmental organizations (NGOs) were also consulted, however, the key NGO women's group involved in the preparation of the report were the National Council of Women and Punanga Tauturu Inc. Other NGOs who played important roles included the two mental health NGOs (Te Kainga and Are Pa Taunga), Cook Islands National Olympic Committee, Pan Pacific South East Asia Women's Association, Koutu Nui, the Disability Council and some church groups. Meetings with the NGOs involved group and personal meetings. It was agreed by the NGOs that they would provide relevant information about how the law was working in practice.

The report was compiled by three different women in regular consultation with the various groups. The first draft was prepared over a two month period by a Cook Islands woman. This draft was presented to a working committee comprising the GADAG (minus the New Zealand High Commissioner) and the Government ministries and NGOs listed above in May 2002. Although the first draft provided a good basis for a report, the Committee felt that there was insufficient anecdotal information and requested the Secretariat to produce a second draft. Therefore, a second Cook Islands woman was recruited to prepare the next draft. Finally in May 2003, the second draft was completed. The editing work of this draft was undertaken by a New Zealand lawyer working for the New Zealand Human Rights Commission. All three women received financial assistance through project assistance to produce the various drafts.

Following the initial face-to-face meetings, a series of three meetings (which usually lasted 3-4 hours) were called for both Government and NGOs to meet and consider the draft Report.

The final draft was presented to the Secretary for Internal Affairs and the Minister for Internal Affairs for their consideration and approval. It was then submitted to Cabinet by the Minister for Internal Affairs in 2006 for their endorsement before the report was sent to the Committee.

2. Please indicate whether the Government intends to withdraw its reservations to articles 2(f), 5 (a) and 11 (2) (b) of the Convention, within a given timeframe.

The Government has already considered withdrawing its reservations to those articles, and it will endeavour to do so by July 2007.

Articles 1 and 2

3. Article 64 of the Constitution guarantees fundamental human rights and freedoms without discrimination on the basis of sex, but there does not seem to be a provision modeled on article 1 of the Convention, prohibiting both direct and indirect discrimination. Please provide information on steps considered to include such a provision in the Constitution or other appropriate legislation, within a given timeframe.

According to the Crown Law Office (the Government agency responsible for providing legal advice to Government as well as drafting all legislation), they have yet to consider in detail the provisions of Article 1 of CEDAW to enable it to begin drafting legislation which prohibits both direct and indirect discrimination. As such, Government is unable to provide at this juncture a firm timetable on when it will be in a position to amend Article 64 of the Constitution to enable it to better reflect the Convention. Nevertheless this matter will be brought to the attention of the Ministers.

4. Please provide information on any Government plan to offer legal assistance to women seeking redress in cases of discrimination.

The Ministry of Justice is responsible only for legal aid for those unable to defend themselves when facing a criminal prosecution. This aid is provided to whoever requests assistance, both men and women.

There are no public defenders office providing free legal assistance. There are some NGOs who provide free legal assistance in some areas, such as Punanga Tauturu, but more people, including women, appear to be left to fend for themselves. Crown Law Office advise that the cost of non-

molestation orders is high and that generally the cost of access to the courts is significant and a barrier for many women.

There is a Small Claims Act 1986 which allows for remedies for civil disputes involving relatively small amounts of money. However, the Ministry of Justice has indicated that it is not used in practice and that consumer law reform is needed.

The Ombudsman's Office has offered to look at cases outside the public service involving alleged discrimination.

5. Please provide information regarding the status and impact of customary law, including an indication of which law prevails where there is a conflict between customary law, national law and international human rights norms.

There are two areas of Constitutional protection relating to cultural rights: those in relation to land and those in relation to customs, tradition, values and usage more generally.

In the first area, custom is protected for the purpose of ascertaining rights to customary lands and titles (ss. 421, 422 426 Cook Islands Act 1915).

In the second area, following an amendment to the Constitution in 1994-95, Parliament has the power to make laws recognizing or giving effect to custom and usage. Wider than matters relating to land and titles, the amendment provides that "customs, traditions, usages and values shall have effect as part of the law of the Cook Islands". This provision does not apply in relation to any custom, tradition, usage or value "that is, and to the extent that it is, inconsistent with a provision of this Constitution or of any enactment" (section 7 Constitution Amendment (No. 17) 1994-95). For the purposes of the Constitution, the opinion or decision of the *Aronga Mana* of the island or *vaka* to which the custom, tradition, usage or value relates about the existence, application or extent of custom "shall be final and conclusive and shall not be questioned in any court of law".

Article 66 A of the Constitution of the Cook Islands provides for the recognition of customs, traditions, usages and values of the indigenous people of the Cook Islands to be considered by Parliament when making laws.

Section 422 of the Cook Islands Act 1915 provides for the direct application of customary law in the Cook Islands. Section 422 states "every title to, and interest in, customary land shall be determined according to the ancient custom and usage of the natives of the Cook Islands".

Where there is a conflict between customary law and statutory law, the statutory law shall prevail in the Cook Islands.

Insofar as international human rights norms are concerned, they must first be ratified and adopted locally as part of the national law of the country, before it can have legislative effect in the Cook Islands (refer to the case of *R v. Smith*, CC0.A 3/98).

6. The report notes (para. 2.5) that a 2005 report showed inconsistencies in some areas between the laws of Cook Islands and the Convention. Kindly provide further explanation regarding the inconsistencies highlighted in the report, and the work plan of the Working Party established to lead the reform of these laws.

The report reviews four areas to ascertain legislative consistency with the Convention:

(a) Areas identified where legislation complies or is not inconsistent with the Convention:

- Constitutional guarantee of equality and freedom from discrimination
- Freedom of speech and freedom of expression
- Peaceful assembly and freedom of association
- Participation in public life
- Freedom of thought, conscience and religion
- Protection of life and liberty
- Freedom from arbitrary detention, cruel and unusual punishment, arbitrary detention, fair trial and due process, and the presumption of innocence
- Freedom of thought, conscience and religion
- Protection of exploitation from prostitution and trafficking
- Nationality
- Right to property (generally)
- Aspects of the right to culture

(b) Areas where legislation is discriminatory and where the law is out of date:

- **Marriage and family life**. Policy work is needed to address inconsistencies in law on adoption, divorce, administration of estates and aspects of matrimonial property.
- **The right to security**. Significant law reform is needed in the area of domestic violence, sexual offences generally and marital rape in particular and to remove out of date criminal laws.
- **The right to justice**. Legislative remedies are required for Constitutional violations; a legislative basis for legal aid or other assistance for women on low incomes is necessary; some improvements to Parliamentary procedures and enable better access to legislation.
- **Right to equality and freedom from discrimination**. There is no definition of indirect discrimination nor adequate provision for remedies. Constitutional protection from discrimination does not extend to all areas of public areas of life, such as housing, employment, access to goods and services, and access to public places.
- **The right to work**. The lack of protection of workers in the private sector (and some aspects of the public sector).

- **Economic and social rights**. The law on child maintenance is outdated and not adequately enforced. One provision directly discriminates against women.
- **The right to health**. The consent requirements for sterilisations are inconsistent with CEDAW. Some changes are needed in mental health and to provide for women with disabilities.

(c) Areas where gaps in legislation create inconsistencies or concern:

- Protection of refugee women and girls (there appears to be no legislation)
- Special temporary measures

(d) Areas where improvements could be made:

- Constitutional protection of the full range of human rights.
- Improvements to draft proposals for governance in the Outer Islands to better provide for participation of women and girls.
- **Right to education**. The law could be more explicit about the right to education (including the right to free primary and secondary education) and about the importance of equality of education for women and girls, especially those with disabilities, and a legislative framework for vocational and other training. Proposed new education legislation provides an opportunity to deal with these issues.
- **Right to property**. There appears to be inadequate legal provision for unmarried couples.
- **The right to health**. Some legislation is dated and requires reform, especially relating to the legislative framework for people with disabilities.

The work plan of the Working Group to lead the law reforms needed in relation to the Convention

The report proposes that a Working Group comprising the Ministry of Internal Affairs, Ministry of Justice and Crown Law as well as the National Council of Women work towards short, medium and long-term objectives as follows:

(a) In the short term, this Group should focus on miscellaneous provisions package(s) which takes forward smaller or non-controversial amendments as well as repeals that are high priority.

(b) In the medium term, the Group should focus on a law reform package to improve the Constitution. This would involve developing more detailed proposals, consultation and preparation of legislative amendments.

(c) In the medium to long term, the Group should work on more substantive areas of law reform, supporting relevant Ministries to takes responsibility for legislative reforms in their areas (including those of high priority). The Group could also provide this support as and when individual agencies' law reform initiatives are brought forward.

The New Zealand Government through its funding arm NZAID has agreed to assist the Working Group financially through the provision of the necessary resources to undertake the legislative reform, such as hiring a legal draftsperson.

The review proposes that the next steps should include the following:

- Establishing the working group (by October '07)
- First meetings to set agreed roles and responsibilities (by December '07)
- Preparation of an agreed programme of work (Dec 07 – Feb 08)
- Preparation of draft legislation, including consideration of drafts by working group (Feb – June 08)
- Consultation on draft legislation with relevant agencies (May – July 08)
- Submission of draft legislation to government (July – August 08)
- Policy and technical support for the Parliamentary process (August – November 08)
- Any relevant implementation issues (Dec 08)

Article 3

7. **Please provide information about the challenges faced by the Gender and Development Division of the Ministry of Internal Affairs in the implementation of national policy and the extent of its cooperation with the Women's Development Officers on the Outer Islands.**

When the Division changed its name from the Women's Affairs Division to Gender and Development Division (GADD), the Ministry considered it appropriate to develop a National Gender Responsive Policy (Gender Policy) because the National Policy of Women was limited only to the participation of women and did not take men into account.

In developing the Gender Policy, GADD sought the agreement of various Government ministries (Human Resource Development, Works, Energy, Physical Planning, Finance and Economic Management, Health, Agriculture, Justice, Education and Statistics) on the replacement of the Women's Policy with a Gender policy. Although the National Council of Women (NCW) expressed their preference to keep the Women's Policy, the new Gender Policy was developed in consultation with the NCW. It is envisaged that the Gender Policy will be adopted in the latter half of this year. The Women's Policy is being retained as a reference document for GADD.

In 2000, the women development officers were placed under the Office of the Minister for Island Administration and therefore, they are now directly responsible to the Island Secretary. Now the line of communication between GADD and the officers goes through the Island Secretary and then to the officers. It has been a challenge because of the delay in communication. Programmes of action are given to the officers for their implementation; however, the final decision of what gets implemented is reliant on the Island Secretary who will determine whether it is within the mandate of the Island Administration. The officers still cooperate with GADD however, because they are now answerable to a new manager, they sometimes question the mandate of the GADD to require them to implement the GADD programmes. GADD continues to provide resources to women development officers such as photocopying paper.

It must however be stressed at this point that NZAID funded a large portion of the work programme of GADD.

GADD has requested in the 2007 Government budget for training courses for the WDOs.

Article 4 (temporary special measures)

8. **The report notes (para. 4.1) that steps have been taken, including through legislation and awarding scholarships to "reflect gender diversity," but that such initiatives may not be supported by women themselves. Has any consultation taken place with women's groups regarding this matter? Please provide information on measures to accelerate the realization of women's *de facto* equality with men, and on steps taken by the Government to raise awareness about the purpose of such measures, including temporary special measures in accordance with article *4*, paragraph 1 of the Convention and the Committee's general recommendation 25.**

At the NCW Conference held in April 2007, the issue of temporary special measures was discussed, in reference to increasing women's participation in political and public life. The majority was against the introduction of such measures; however, there was still a small and vocal group who supported its implementation.

There has been an increase in the number of women being appointed to boards by various Government Ministers, however, there are no policies to formalize this arrangement.

Article 5

9. **The report notes that both Government agencies and non-governmental organizations have undertaken public campaigns to promote gender equality and the elimination of stereotypes. Please provide information about the scope, content, and impact of measures that have been undertaken by the Government and other actors to raise awareness about cultural practices and attitudes that discriminate against women and the need for their elimination.**

A series of 6 television documentaries were produced to highlight the significance of CEDAW in relation to daily affairs and challenges women and men face. The programmes were screened fortnightly starting in July, and continued until the eve of the NCW Conference early October 2005.

The series presented statistical data about women, life histories of prominent women in the sectors below and included an analysis on the status of women in that sector.

The sectors shown in this project included the following:

- women and the law (i.e., how many women are employed in law enforcement; what laws protect women's rights and how this compares to other Pacific countries)
- women and health
- women and education
- women and the media
- women in the public service
- women in business

The documentaries received positive feedback from the public and is now used in training programmes on the Convention throughout the country.

Article 6

10. Kindly provide information on the results of the law reform (para 6.2), specifically the Crimes Act of 2004, that addresses the security and trafficking in persons, and on the implementation of the law.

Since its enactment, the Crimes Amendment Act 2004 has not been used.

Articles 7 and 8

11. Women are well-represented in traditional leadership roles that lack political power, but remain underrepresented in senior decision-making levels in both public service and Parliament and in the governance of the Outer Islands. What steps are being taken by the Government to ensure the full implementation of article 7 (b) of the Convention, including the use of temporary special measures?

Steps being taken by Government to ensure the full implementation of article 7(b) of the Convention are as follows:

(a) The adoption of the National Sustainable Development Plan by Government. The Plan includes a section on gender specific areas identified by the National Policy on Women, it also recognizes that its applications has cross-sectional implications across all areas addressed by the Plan. The Plan also incorporates the Millennium Development Goals.

(b) Completion and endorsement of the national gender responsive policy. This is still in draft form and it is a priority output of the GADD for its 2007/08 financial year.

(c) Development of a database identifying women so that GADD can recommend to Government nominations to statutory boards and committees. This is a new initiative within the output of the GADD for the 2007/08 financial year. The goal is 50 per cent gender balance on statutory boards and committees by 2010.

(d) There is still the need for wider consultations within Government to promote the use of temporary special measures in relation to increasing the number of women in political life particularly in the Outer Islands.

Article 10: Education

12. Please provide information about the proposed legislative reform of the Education Act (para 10.32) and how it seeks to translate educational attainment into career achievement, particularly as it pertains to women.

The proposed legislative reform of the Education Act is still in progress. This has been identified as a priority in the Ministry of Education's Business Plan for the 2007/08 financial year.

13. Please provide information on the University of the South Pacific including the number of students, the percentage of female students, the available subjects of study and the choice of subjects by female students.

On an annual average, 700 students enrol at the University of the South Pacific. The proportion of female students for the Cook Islands is 75 per cent, the majority of which are enrolled in management studies followed by education, accounting and economics. This has been the situation

for the past five-six years and it is envisaged that this trend will continue, reflecting the fact that women are keen to gain higher academic qualifications. For example, it has been noted, particularly in the field of education studies that the women enrolling in these courses have high aspirations, as some see this as the pathway to secure senior management positions in their schools, for example to enable them to become the principals of their schools or higher in the education system.

Article 11

14. According to the report, there are currently no laws or policies in place to protect female employees from sexual harassment in the workplace. Please provide information on steps taken to formulate legislation on sexual harassment in the workplace and a time frame for enactment of such legislation.

Presently, the Crown Law Office is in the process of reviewing the Labour Bill. The Bill will provide under Part IV for personal grievances, which will include any kind of harassment in the course of employment.

At this stage, a definite timeframe for enactment cannot be confirmed. It is envisaged however, that input from the public will be sought after the review by the Crown Law Office.

15. The report notes the absence of legal requirements for the private sector to provide maternity and paternity benefits to employees. There is also no legal prohibition for termination of employment for reasons of pregnancy and childbirth. Please provide information on the Status of a new labour bill to provide maternity protection for women in all sectors including prohibition of dismissal for reasons of pregnancy or maternity, as well as maternity and paternity benefits for parents.

As indicated in the report, the private sector is reluctant to support Government's proposal to require businesses to provide paid maternity and paternity benefits, therefore, the Labour Division in consultation with the private sector and the Cook Islands Worker's Association has identified innovative schemes (tax breaks, contribution to compulsory fund) to encourage the private sector to provide these benefits to employees.

16. Given the prevalence of foreign labour in the Cook Islands, please provide information on steps undertaken by the Government to address the tack of safeguards for women migrant workers, including information on outcomes of the review of immigration policies, actions taken as a result of that review, and whether a gender perspective was, or will be mainstreamed into the analysis, development and implementation of policies and programmes stemming from the review.

Foreign labour in the Cook Islands

To safeguard foreign labour in the Cook Islands, it is a requirement of the Immigration Division before issuing a work permit, that an employment contract be drawn up for the term of their employment in the country. If the principal worker is accompanied by his family the family members will also be included in the terms of the contract.

The Government believes it is good practice to see both parties of the employment contract understand their obligations to each other and the conditions they are employed under.

Immigration review

The Immigration Review Committee did not consider the specific differences between men and women when applying for a permit to work in the Cook Islands. According to the Immigration Division, foreign workers can only be employed in the Cook Islands if that vacancy cannot be filled by a Cook Islander. The Review stressed transparency in the application of the law and immigration policies and that policies must be simple and easy to understand or implement.

17. The report notes that there is a high rate of out-migration of the Cook Island population, including women. Please explain the reasons for the prevalence of out-migration, whether it is permanent or temporary migration, and what steps have been taken to advise women on the potential risks of migration?

There were two distinct migration waves: following the opening of the airport on Rarotonga in 1971 (where Cook Islanders left to experience a new life style and to further economic opportunities to enable them to return and build new houses, start up new businesses, etc) and the economic reforms in 1995-96 when over half of the public service were made redundant.

Although these reasons still form the basis for Cook Islanders migrating overseas either temporarily or permanently, they are also leaving for other reasons:

- employment - some want to work in a new sector, better pay opportunities
- tertiary and vocational education – varied educational opportunities overseas
- change of lifestyle – some want to experience the 'bright lights'
- join family members already residing overseas
- for some because of relationship problems

To encourage Cook Islanders to return, the Government set up a temporary scheme whereby they subsidized the airfares for the returning families. However, this scheme was suspended as some of the persons re-located to the Cook Islands did not have the skills necessary to enable them to make an effective contribution to the economy.

Article 12

18. The report acknowledges that women have expressed concern at the lack of female health care providers as a limitation to their access to sexual and reproductive health care, especially on the Outer islands. Most pregnant women from the Outer islands are referred to the hospital on Rarotonga for obstetric care and delivery, and, for more complex cases, to New Zealand. Please provide information on steps taken to increase the quality of, and women's access to, sexual and reproductive health care, including obstetric care in the Cook Islands, especially in the Outer Islands.

Steps are being taken by the Ministry of Health to ensure registered nurses undertake midwifery courses being offered by the Fiji School of Medicine in Fiji.

A team of public health officials funded by Government travel to each of the Outer Islands annually. The team consists of officials from all areas of health – dentistry, obstetrics and gynaecology, non communicable diseases, ear nose and throat, health educator, HIV/AIDs.

19. According to the report (para 12.19), the Ministry of Health has a policy to require consent of a woman's husband or partner prior to performing voluntary tubal ligations. Please provide information on the application of this policy, and steps taken to review and revise this policy to bring it in line with articles 12 and 16 of the Convention, and the Committee's general recommendation 24.

Discussions have been undertaken within the Ministry of Health to consider an amendment to the current policy requiring consent from the woman's husband or partner prior to performing voluntary tubal ligations. Given on-going discussions, it is difficult to determine when changes will take place.

Violence against women

20. Please provide an update on the status and provisions of the proposed Sexual Offenses Bill (para 12.39) and a time frame for its adoption.

The Bill is still being considered by the Ministry of Police.

21. According to the report (para 16.21), violence against women is infrequently prosecuted, there is a lack of training at the judicial level and there are problems of inconsistency in law enforcement. What specific steps have been taken to overcome these challenges? In this regard, please provide information on the impact of the "no-drop" policy in the Government's efforts to prevent violence against women (para 12~47).

Where there is inconsistency in law enforcement, the police will raise the matter with the President of the Justices' of the Peace or request the Registrar to clarify matters in the proceedings.

Over eighty per cent of women who report assaults against them proceed to court under the 'no-drop policy' enforced by the Police. The policy has also instilled some fear in the public through the court cases being publicized in the media.

22. According to the Criminal Act of the Cook Islands, marital rape is excluded from the definition of rape and there is no civil protection for married but not separated women or for unmarried women (para. 12.40). Does the Government of the Cook Islands plan to amend the Criminal Act to criminalize marital rape?

As a result of a recent review of the Ministry of Police, Government has established a Legislative Reform Committee, whose primary responsibility is to review certain legislation administered by the Police. The Crimes Act 1969 will be considered by the Committee, when carrying out its review.

23. Please outline steps being taken or contemplated by the Government to put in place a system of data collection on all forms of violence against women, including domestic violence.

A Domestic Violence Unit has been established with the Ministry of Police in 2005 with one staff member – (female officer). The Unit has begun compiling information on this matter since its inception. In the business plan for the Ministry of Police for 2006-2010, one of the objectives is to ensure proper response on all reports of domestic violence. A manual for best practices to combat domestic violence was developed in 2005.

The procedures for responding to complaints, requires the reporting officer to complete a standard form which is then used to build up a database on domestic violence cases. A victim impact

statement (for all complainants) prepared by the reporting officer is part of the information submitted to the court. The statement includes projected lost earnings for the victim, payment of legal fees should the case proceed in civil court, and other costs.

The Ministry of Police has also recently concluded a Memorandum of Understanding with Punanga Tauturu Inc., to formalize the partnership and to identify formal lines of communication on domestic violence matters.

Article 13

24. Please indicate steps taken or contemplated to eliminate the *de facto* discrimination women face in their access to credit.

According to the three commercial banks in the Cook Islands all applicants for loans are treated the same irrespective of their gender. Credit decisions are undertaken on a commercial basis as follows:

- Satisfactory credit history of applicants;
- Project viability/debt service capability; and
- Appropriate securities.

In terms of employment, appointments to the various positions are determined by the qualification and experience of applicants irrespective of their gender, for example, in one bank, over 60 per cent of current staff are women.

The banks are not aware of any discriminatory practices against women in de facto relationships and it is not a requirement for loan applicants to be married.

Loan applications are assessed on their own merits and where weaknesses are identified options available to overcome those weaknesses are proposed. The main weaknesses documented with lending to young people are the lack of business management skills, inadequate security, low equity contribution, no credit history, inadequate cash flow, etc. The inclusion of the applicant's spouse or parents as a party to the loan, either as a co-borrower or guarantor, could be one of the options available for overcoming some of the weaknesses identified. This applies to both male and female applicants.

The Banker's Association of the Cook Islands was formed this year, comprising the three commercial banks. Following consultations with the Gender and Development Division, the Association has agreed to include a gender perspective into their Code of Conduct.

Articles 15 and 16

25. Please provide information on actions taken to remove distinctions between married and unmarried women, as regards child maintenance, and the requirement of corroboration of a woman's evidence in matters of child maintenance under the Cook Islands Act 1915 (para 16.30)

The Ministry of Justice is responsible only for legal aid for those unable to defend themselves when facing a criminal prosecution. This assistance is disbursed to both men and women. There are

no distinctions between married and unmarried women regarding maintenance. Both have the capacity to seek maintenance.

Optional Protocol and Amendment to article 20, paragraph 1

26. Please indicate what steps are being taken or considered towards ratification of, or accession to the Optional Protocol. Please also describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention,

The Gender and Development Division has initiated discussions with stakeholders on the issue of acceding to the Optional Protocol. Although no timetable has been set, it is intended to accede this year.